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• Practice Limited to  
Federal Agencies

November 4, 2003

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Commissioner for Patents  
P.O. Box 1450  
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**Art Unit 1636**

Re: U.S. Utility Patent Application  
Appl. No. 10/058,292; Filed: January 30, 2002  
For: **Recombinational Cloning Using Recombination Sites**  
Inventors: HARTLEY *et al.*  
Our Ref: 0942.285000H/RWE/BJD/JKM

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Third Supplemental Information Disclosure Statement;
2. List of cited references on Form PTO-1449 (3 sheets);
3. A copy of each reference cited on Form PTO-1449 (17 documents: AG7-AF8, and AS112-AR114); and
4. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents  
November 4, 2003  
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Brian J. Del Buono", with a stylized flourish at the end.

Brian J. Del Buono  
Attorney for Applicants  
Registration No. 42,473

RWE/BJD/JKM/acr  
Enclosures

SKGF\_DC1:194041.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HARTLEY *et al.*

Appl. No. 10/058,292

Filed: January 30, 2002

For: **Recombinational Cloning Using  
Recombination Sites**

Confirmation No. 3058

Art Unit: 1636

Examiner: Sandals, W.O.

Atty. Docket:  
0942.285000H/RWE/BJD/JKM

### **Third Supplemental Information Disclosure Statement**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Third Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Second Supplemental Information Disclosure Statement filed on August 19, 2003, in connection with the above-captioned application. A copy of each document is also provided.

The Examiner's attention is directed to the following co-pending U.S. Patent Applications: 09/648,790, filed August 28, 2000; 09/984,239, filed October 29, 2001; 10/396,696, filed March 26, 2003; 10/454,793, filed June 5, 2003; and 10/640,422, filed August 14, 2003, which concern related technical subject matter. The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to those

applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

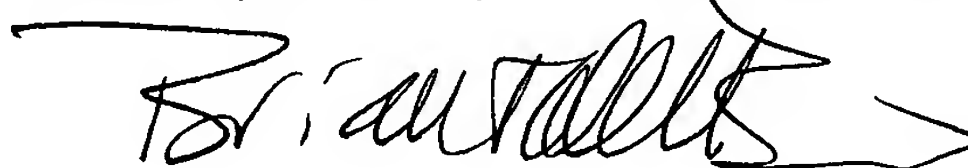
Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

This Third Supplemental Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Brian J. Del Buono", with a stylized flourish at the end.

Brian J. Del Buono  
Attorney for Applicants  
Registration No. 42,473

Date: November 4, 2003

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FORM PTO-1449

## THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.  
0942.285000H/RWE/BJD/JKMAPPLICATION NO.  
10/058,292APPLICANT  
HARTLEY *et al.*FILING DATE  
January 30, 2002GROUP  
1636

## U.S. PATENT DOCUMENTS

| EXAMINER<br>INITIAL |     | DOCUMENT<br>NUMBER | DATE       | NAME                  | CLASS | SUB-CLASS | FILING DATE |
|---------------------|-----|--------------------|------------|-----------------------|-------|-----------|-------------|
|                     | AA8 | 2003/0077804-A1    | 04/24/2003 | Byrd <i>et al.</i>    |       |           | 04/19/2002  |
|                     | AB8 | 2003/0124555-A1    | 07/03/2003 | Brasch <i>et al.</i>  |       |           | 05/21/2002  |
|                     | AC8 | 2003/0157662-A1    | 08/21/2003 | Gerard <i>et al.</i>  |       |           | 11/13/2002  |
|                     | AD8 | 2003/0157716-A1    | 08/21/2003 | Hartley <i>et al.</i> |       |           | 11/02/2001  |
|                     | AE8 | 2003/0175970-A1    | 09/18/2003 | Hartley <i>et al.</i> |       |           | 11/21/2002  |
|                     | AF8 | 2003/0186233-A1    | 10/02/2003 | Chesnut <i>et al.</i> |       |           | 12/07/2001  |
|                     | AG8 |                    |            |                       |       |           |             |
|                     | AH8 |                    |            |                       |       |           |             |
|                     | AI8 |                    |            |                       |       |           |             |
|                     | AJ8 |                    |            |                       |       |           |             |
|                     | AK8 |                    |            |                       |       |           |             |

## FOREIGN PATENT DOCUMENTS

| EXAMINER<br>INITIAL |    | DOCUMENT<br>NUMBER | DATE | COUNTRY | CLASS | SUB-CLASS | TRANSLATION |
|---------------------|----|--------------------|------|---------|-------|-----------|-------------|
|                     | AL |                    |      |         |       |           | Yes<br>No   |
|                     | AM |                    |      |         |       |           | Yes<br>No   |
|                     | AN |                    |      |         |       |           | Yes<br>No   |
|                     | AO |                    |      |         |       |           | Yes<br>No   |
|                     | AP |                    |      |         |       |           | Yes<br>No   |

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

|  |    |            |  |
|--|----|------------|--|
|  | AR | <u>113</u> | Pending U.S. Non-Provisional Patent Application No. 10/396,696, filed March 26, 2003   |
|  | AS | <u>113</u> | Pending U.S. Non-Provisional Patent Application No. 10/454,793, filed June 5, 2003.    |
|  | AT | <u>113</u> | Pending U.S. Non-Provisional Patent Application No. 10/640,422, filed August 14, 2003. |

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|---------------------|-----|--------------------|------------|-----------------------|-------|-----------|-------------|
|                     | AA7 |                    |            |                       |       |           |             |
|                     | AB7 |                    |            |                       |       |           |             |
|                     | AC7 |                    |            |                       |       |           |             |
|                     | AD7 |                    |            |                       |       |           |             |
|                     | AE7 |                    |            |                       |       |           |             |
|                     | AF7 |                    |            |                       |       |           |             |
|                     | AG7 | 2002/0094574-A1    | 07/18/2002 | Hartley <i>et al.</i> |       |           | 05/16/2001  |
|                     | AH7 | 2002/0172997-A1    | 11/21/2002 | Hartley <i>et al.</i> |       |           | 07/19/2001  |
|                     | AI7 | 2002/0192819-A1    | 12/19/2002 | Hartley <i>et al.</i> |       |           | 07/19/2001  |
|                     | AJ7 | 2003/0064515-A1    | 04/03/2003 | Hartley <i>et al.</i> |       |           | 01/30/2002  |
|                     | AK7 | 2003/0068799-A1    | 04/10/2003 | Hartley <i>et al.</i> |       |           | 05/06/2002  |

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|                     | AO |                    |      |         |       |           | Yes<br>No   |
|                     | AP |                    |      |         |       |           | Yes<br>No   |

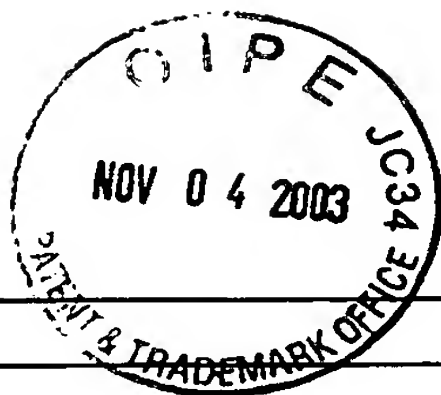
## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

|  |    |            |   |
|--|----|------------|---|
|  | AR | <u>112</u> |   |
|  | AS | <u>112</u> | Pending U.S. Non-Provisional Patent Application No. 09/648,790, filed August 28, 2000.  |
|  | AT | <u>112</u> | Pending U.S. Non-Provisional Patent Application No. 09/984,239, filed October 29, 2001. |

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|                     | AC |                    |      |      |       |           |             |
|                     | AD |                    |      |      |       |           |             |
|                     | AE |                    |      |      |       |           |             |
|                     | AF |                    |      |      |       |           |             |
|                     | AG |                    |      |      |       |           |             |
|                     | AH |                    |      |      |       |           |             |
|                     | AI |                    |      |      |       |           |             |
|                     | AJ |                    |      |      |       |           |             |
|                     | AK |                    |      |      |       |           |             |

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|                     | AO |                    |      |         |       |           | Yes<br>No   |
|                     | AP |                    |      |         |       |           | Yes<br>No   |

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

|  |    |            |  |
|--|----|------------|--|
|  | AR | <u>114</u> | Murayama, N., <i>et al.</i> , "Evidence for Involvement of <i>Escherichia coli</i> Genes <i>pmbA</i> , <i>csrA</i> and a Previously Unrecognized Gene <i>ltdD</i> , in the Control of DNA Gyrase by <i>letD</i> ( <i>ccdB</i> ) of Sex Factor F," <i>J. Mol. Biol.</i> 256:483-502, Academic Press Limited (1996). |
|  | AS | <u>114</u> |  |
|  | AT | <u>114</u> |  |

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